REMARKS

Claims 1-48 are pending, with claims 1-5, 15-17, 21, 22, 42-46, and 48 rejected, and claims 2-4, 6-14, 18-20, 23-41, and 47 objected to. The applicant believes that all claims stand in condition for allowance and that the examiner's rejections are legally insufficient. Concise rebuttal arguments appear below to ease the examiner's reconsideration of the applicant's arguments, and to frame the issues more clearly for appeal should the examiner maintain his position.

The Anticipation Rejections

Claims 1, 26-27, 34, and 42 stand rejected as being anticipated by U.S. 6,304,549 (Srinivasan). Claim 1 is generally representative of the subject matter and limitations of these rejected claims and in its entirety includes the following text:

> A method of <u>managing a radio channel assigned to a mobile terminal in a radio access network</u> that supports a plurality of radio channel data rate capacities, the method comprising:
> monitoring <u>usage of the radio channel</u> over an interval of time;
> <u>increasing a data rate capacity of the radio channel</u> if the usage remains <u>above a maximum usage threshold for a first qualified period of time</u>; and
> <u>decreasing the data rate capacity of the radio channel</u> if the usage remains <u>below a minimum usage threshold for a second qualified period of time</u>.

(Emphasis added.)

Anticipation rejections are proper only where the cited reference teaches every limitation of the claim at issue, in the same arrangement as claimed. Because Srinivasan does not address radio channels assigned to mobile stations, or any equivalent channels, it cannot anticipate claim 1 or any of the other claims that stand rejected under the same anticipation argument.

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The examiner repeatedly argues that Srinivasan discloses a "wireless ATM network," and that it specifically mentions "wireless ATM networks where provisioned VPCs between adjacent base stations allows simplified mobile handoffs." Indeed, the whole of the examiner's anticipation rejections rest on these two bare points.

Any person skilled in the art will immediately understand that ATM connections between base stations in a wireless network support (sidehaul) communications between base stations, and include the aggregate of signaling and traffic flowing between base stations to support call anchoring and call handoff. In no case, however, would these sidehaul connections be understood as a <u>radio channel assigned to a mobile station</u>, and it is illegitimate for the examiner to argue them as such.

It is notable that Srinivasan mentions base stations just twice and mentions mobile station radio channels not at all—again, the examiner should carefully note the error of his apparent belief that ATM connections between base stations can be argued as a radio channel assigned to a mobile station by a radio access network. In all cases, Srinivasan's references to base stations exclusively direct themselves to the ATM connections between such base stations, and not to the (mobile station) radio channels that presumably are supported by them.

To better understand the point that Srinivasan exclusively teaches management of ATM connections and not mobile station air interface channel management, the examiner is directed to col. 15, lines 26-54 of Srinivasan. That passage makes clear that bandwidth management applies to VPCs carried via ATM cells between ATM nodes, and not between a radio base station and a mobile station on an allocated mobile station radio channel.

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Respectfully, with the fundamental differences between Srinivasan and the instant invention as claimed, the examiner's anticipation rejection amounts to no more than the examiner comparing the applicant's claim language to terms in Srinivasan that are not equivalent and cannot credibly be argued as being equivalent. Fundamentally, Srinivasan does not teach managing the radio channel assigned to a mobile station according to usage of that channel, and cannot anticipate the above claims.

The Srinivasan + U.S. 6,690,938 (Chin) Obviousness Rejections

Claims 21-22 and 35 stand rejected as obvious over the combination of Srinivasan and Chin. Basically, the examiner's argument here is that Srinivasan does not teach separately allocating (or tearing) down fundamental and supplemental channel components of the applicant's claimed mobile station radio channel, but that such features are found in Chin and could be added as software to the ATM switches of the Srinivasan.

This argument is remarkably wrong and fails on its face. Srinivasan exclusively addresses itself to ATM networks. Thus, the word "channel" in Srinivasan has a meaning radically different than the word "channel" in the instant application or in Chin. For example, the background of Srinivasan states that "Virtual Channel Connections (VCCs)" are "connections of virtual channel links (segments of unidirectional transport of ATM cells between a point where a virtual channel identifier (VCI) is assigned to the point where this value is translated or removed), and Virtual Path Connections (VPCs) which are a concatenation of virtual path links, which are terminated by points where the virtual path identifier (VPI) is assigned and translated or removed."

Fundamental and supplemental channels are terms of art in the radio network arts that respectively connote primary (lower rate) and secondary (higher rate) channels that are assigned to mobile stations over the radio air interface. In what sensible way would one allocate or deallocate fundamental and supplemental radio channels to a Virtual Path Connection (VPC) in Srinivasan's ATM network?

The examiner's rejection arguments do not even attempt to make sense of this problem, or even to reconcile the different meanings of the word "channel" in Srinivasan and Chin. Instead, the Final Rejection blithely states that it would be obvious to add software corresponding to the supplemental/fundamental channel teachings of Chin, so that the ATM switches of Srinivasan operated in accordance with the rejected claims of the instant invention. These rejection arguments by the examiner will not survive technical or legal scrutiny on appeal, and should be withdrawn.

Conclusion

To the undersigned attorney, it appears that the examiner's rejection arguments self-evidently fail. Obviously, however, the examiner disagrees and has now made those rejections final. Perhaps the prior responses have not clearly articulated the rejection shortcomings in the way a telephone conversation might. To that end, and to avoid the time and expense of appeal, the undersigned attorney respectfully encourages the examiner to call to discuss this matter after reviewing the remarks included herein.

Respectfully submitted,

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